

# Child Protection and Adolescents in Migration Situation





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**FEDERAL PUBLIC DEFENDERS' OFFICE**

Setor Bancário Sul, Quadra 2 – Bloco H – Lote 14- 15º andar  
Postal code 70070-120 – Brasília (DF)

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**FEDERAL PUBLIC SUBDEFENDER-GENERAL**

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Gabriel Saad Travassos do Carmo

**SECRETARY OF STRATEGIC ACTION**

Roberta Pires Alvim

**AUTHORS:**

**FEDERAL PUBLIC DEFENDER**

Vanessa Almeida Moreira Barossi Panitz

**DPU TRAINEE AND MEMBER OF EIRENÈ/UFSC**

Me. Jonatan Carvalho de Borba

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# INTRODUCTION

In 2020, the number of international migrants reached 281 million, of which 36 million were children and adolescents. Almost 34 million refugees and asylum seekers have been forcibly displaced from their home countries, with half of them being children and adolescents.<sup>1</sup> Between 2010 and 2016, there was a 500% increase in the number of migrant and refugee children and adolescents travelling alone or separated from their families.<sup>2</sup>

Therefore, there is an increasing tendency in the number of children and adolescents who migrate alone, both forcibly and voluntarily<sup>3</sup>, and there are several reasons why they leave their country of origin.

Actions on behalf of unaccompanied and separated children and adolescents should be guided by principles established in national and international standards. Thus, the goal of this guide is to provide the principles and actions that must be adopted to ensure that children and adolescents' rights are guaranteed and that they can receive full care and protection.

## MAIN INTERNATIONAL AND NATIONAL INSTRUMENTS RELEVANT TO THE PROTECTION OF CHILDREN AND ADOLESCENTS (IN SITUATION OF MIGRATION)

### **Migrating children and adolescents in the universal human rights system**

- Convention on the Rights of the Child
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- United Nations Guidelines for the Alternative Care of Children
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
- Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography

### **Migrating children and adolescents in the Inter-American System of Human Rights**

- Advisory Opinion OC-16/99 entitled "The Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law"
- Advisory Opinion OC-17/02 entitled "Judicial Condition and Human Rights of the Child"
- Advisory Opinion OC-18/03 entitled "Judicial Condition and Rights of the Undocumented Migrants"
- Advisory Opinion OC-21/14 entitled "Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection"

### **Child and Adolescent in Situation of Migration in Mercosur**

- Agreement on Residence for Nationals of the States Parties of Mercosur, Bolivia and Chile
- Citizenship Statute
- MERCOSUR Regional Guide for Identifying and Addressing Special Needs to Protect the Rights of Migrant Children

### **Child and Adolescent in Situation of Migration in Brazilian Legislation**

- Law No. 8,069, of July 13, 1990 (Statute of Children and Adolescents)
- Conanda Resolution No. 113 of April 19, 2006
- Joint Resolution CONANDA-CONARE-CNIg-DPU No. 1, of August 9, 2017
- Ordinance No. 197 of the MJSP, of March 6, 2019
- Law No. 9,474 of July 22, 1997 ("Refugee Law")
- Law No. 13,445, of May 24, 2017 (Migration Law)

<sup>1</sup> UNITED NATIONS CHILDREN'S FUND (UNICEF). Child migration. 2021. Available at: <https://data.unicef.org/topic/child-migration-and-displacement/migration/>. Accessed on: June 3, 2021.

<sup>2</sup> UNITED NATIONS CHILDREN'S FUND (UNICEF). A child is a child: Protecting children on the move from violence, abuse and exploitation. New York: UNICEF, 2017.

<sup>3</sup> MARTUSCELLI, P. N. Crianças desacompanhadas na América Latina: reflexões iniciais sobre a situação na América Central. In: RIDH. vol. 5, no. 1. p. 77-96. Bauru, 2017.

# CONCEPTS

**Child.** For the purpose of this guide, we will use the definition adopted by the Statute of Children and Adolescents that considers a child to be a person up to twelve incomplete years of age. (article 2).

**Adolescent.** For the purpose of this guide, we will use the definition adopted by the Statute of Children and Adolescents that considers an adolescent to be a person between twelve and eighteen years old. (article 2).<sup>4</sup>

Child and adolescent in situation of migration refers to children and adolescents who are displaced for various reasons, voluntarily or involuntarily, within or between countries, with or without their parents or other legal guardians, and whose movement, although it may open opportunities, may also put them at risk (or an increased risk) of economic or sexual exploitation, abuse, neglect and/or violence.<sup>56</sup>

**Refugee children and adolescents.** According to the Convention relating to the Statute of Refugees, adopted by the United Nations General Assembly in 1951 (and its 1967 Additional Protocol), a refugee is a person who has fled his or her country of origin and is afraid to return to their country because he or she has suffered or is in fear of suffering very serious harm (well-founded fear of persecution), such as violence, threats, torture, punishment, psychological harm, or has been denied a human right because of race, religion, political opinion, nationality, or membership to a particular social group. In Brazil, according to Law 9,474/97, there is also the provision for the recognition of the condition of refugee to the individual who “due to serious and widespread violation of human rights, is obligated to leave their country of nationality to seek refuge in another country”.

**Unaccompanied children and adolescents.** According to Joint Resolution CONANDA-CONARE-CNIg-DPU No. 1 (hereinafter Joint Resolution No. 1), of August 9, 2017, an unaccompanied child or adolescent is defined as one who does not have any adult person accompanying them on their entry into national territory (article 1, paragraph 1, item I), who is at a migratory control point at the Brazilian borders or within the national territory (Ordinance No. 197 of the MJSP, of March 6, 2019).

**Separated children and adolescents.** According to Joint Resolution No. 1, a separated child or adolescent is defined as one who is accompanied by an adult person who is not the legal guardian and holds family power, upon entering Brazilian territory (article 1, paragraph 1, item I), who is at a migratory control point at the Brazilian borders or within the national territory (Ordinance No. 197 of the MJSP, of March 6, 2019).

**Undocumented children and adolescents.** It refers to any child and adolescent who – regardless of being accompanied, separated or unaccompanied – does not have any identification document.

## RISKS FOR UNACCOMPANIED, SEPARATED AND UNDOCUMENTED MIGRANT CHILDREN AND ADOLESCENTS

On long and arduous journeys, children and adolescents transit through places full of risks, especially when they migrate through irregular means. Without access to essential items and services such as drinking water, health, shelter and education, children and adolescents in the situation of migration face greater risks of suffering abuse, violence and various forms of exploitation, both during their journey and when arriving at their destination. These dangers are exacerbated when the children or adolescents are unaccompanied, separated, and/or undocumented.<sup>7</sup>

The vulnerability of children and adolescents in the situation of migration is likely to be greater for

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<sup>4</sup> For the record, the definition established by the Convention on the Rights of the Child (CRC), enacted by the United Nations General Assembly in 1989, considers a child to be anyone under the age of eighteen (article 1). In: Organização das Nações Unidas (ONU). Convenção sobre os Direitos da Criança. 1989. Available at: <https://www.unicef.org/brazil/convencao-sobre-os-direitos-da-crianca>. Accessed on: May 20th, 2021.

<sup>5</sup> INTER-AGENCY GROUP ON CHILDREN ON THE MOVE. Joint Statement of the Inter-Agency Group on Children on the Move to the UN CRC Committee. 2012. Available at: <https://resourcecentre.savethechildren.net/node/6716/pdf/6716.pdf>. Accessed on: June 14, 2021.

<sup>6</sup> BHABHA, Jacqueline; DOTTRIDGE, Mike. Child Rights in the Global Compacts: Recommendations for protecting, promoting, and implementing the human rights of children on the move in the proposed Global Compacts. Working Document, 24 June 2017, p. 4.

<sup>7</sup> Ibidem, p. 15.

those who have lost the care and protection of their families, including the risk of kidnapping, trafficking for sale and illegal adoption.

The risk of sexual exploitation, sexual assault, and abuse of girls and boys by various people, including traffickers, military forces, government officials, smugglers, armed gangs, and even those with whom they are travelling, must be addressed. There is a tendency on the part of both children and adolescents and their families to hide the fact that they have been victims of such crimes through a mixture of fear, stigma, ignorance, and powerlessness.

Adoption, particularly international adoption, should not occur during the emergency phase as they are subject to illicit adoption schemes targeting “orphaned” children.<sup>8</sup>

Given the lack of structure and parental protective ties, unaccompanied and separated children and adolescents may be at high risk of physical, psychological and/or sexual violence.

Exposure to situations that lead to health decline, such as malnutrition and dehydration, is commonly documented. This may be motivated by the absence of adequate resting places, a structure for personal hygiene, adverse conditions on long and difficult journeys, hostility, stigma, and discrimination.<sup>9</sup>

Lack of access to asylum application procedures and the protection and care of accompanying adults may place children and adolescents in the situation of migration in a context of increased risk of violence, exploitation, and abuse, including child labour and prostitution. In addition, due to border closures, migrants may take more perilous travel routes to reach their destination, making them more exposed to trafficking and smuggling.<sup>10</sup>

The result of these experiences involving the aforementioned risks, as well as the linguistic and cultural barriers, can lead children and adolescents to isolation, loss of self-esteem, and depression. Thus, they may end up rejecting the help of trained professionals by fear or lack of confidence.

## RISKS DURING THE PANDEMIC

The most significant impact on migration arising from the States’ response to COVID-19 was the abrupt drop in mobility, accompanied by the widespread closure of borders. These mobility changes also exacerbate exposure to stigma and discrimination, as communities direct their fears of contamination to those considered to be “outsiders,” including migrant children and adolescents.<sup>11</sup>

On January 30, 2020, the World Health Organization (WHO) declared that the coronavirus pathogen Sars-Cov-2 (COVID-19) had evolved into an “unprecedented” outbreak, constituting “a public health emergency of international interest.”<sup>12</sup>

From March 2020 to July 2021, the Brazilian State enacted 31 (thirty-one) successive interministerial ordinances with the goal of restricting non-nationals’ admission into Brazilian territory for alleged “sanitary concerns relating to the risks of contamination and spread of Covid-19.”<sup>13</sup>

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<sup>8</sup> INTER-AGENCY WORKING GROUP ON UNACCOMPANIED AND SEPARATED CHILDREN. Toolkit on unaccompanied and separated children. [S.L.]: Alliance for Children Protection in Humanitarian Action, 2017, p. 9-10.

<sup>9</sup> UNIVERSITY OF STRATHCLYDE. CENTRE FOR EXCELLENCE FOR CHILDREN’S CARE AND PROTECTION (CELCIS), 2021.

<sup>10</sup> INTER-AGENCY WORKING GROUP ON UNACCOMPANIED AND SEPARATED CHILDREN, op. cit., p. 16.

<sup>11</sup> BHABHA, Jaqueline. Time for a reset: Implications for child migration policies arising from COVID-19. Geneva: International Organization for Migration (IOM), 2020, p. 2.

<sup>12</sup> WORLD HEALTH ORGANIZATION. WHO Director-General’s statement on IHR Emergency Committee on Novel Coronavirus (2019-nCoV). Jan. 30, 2020a. Available at: [https://www.who.int/director-general/speeches/detail/who-director-general-s-statement-on-ihr-emergency-committee-on-novel-coronavirus-\(2019-ncov\)](https://www.who.int/director-general/speeches/detail/who-director-general-s-statement-on-ihr-emergency-committee-on-novel-coronavirus-(2019-ncov)). Accessed on: Apr. 20, 2021.

<sup>13</sup> FEDERAL PUBLIC DEFENDERS’ OFFICE 1º informe defensorial: relatório de monitoramento dos direitos humanos de pessoas migrantes e refugiadas em RR. Brasília, 2021b. Available at: [https://www.dpu.def.br/images/stories/pdf\\_noticias/2021/Informe\\_Defensorial\\_Comitê\\_Pacaraima.pdf](https://www.dpu.def.br/images/stories/pdf_noticias/2021/Informe_Defensorial_Comitê_Pacaraima.pdf). Accessed on: April 21, 2021.

Under the pretext of adopting border health measures, the interministerial ordinances establish discriminatory treatment for migrants in vulnerable situations who are seeking humanitarian shelter or asylum in Brazil. The ordinances also provide for sanctions incompatible with the Brazilian legal system and with the various international human rights treaties to which Brazil is a signatory. Some examples of such sanctions are those provided for in article 8 of Interministerial Ordinance 658, also present in the ordinances that preceded it:

Article 7: Failure to comply with the provisions of this Ordinance will imply, for the offending agent: I – civil, administrative and criminal liability; II – immediate repatriation or deportation; and III – disqualification from requesting asylum.

It is also worth remembering that the aforementioned ordinances claim to take into account the declaration of public health emergency of international importance by the World Health Organization (WHO), on January 30, 2020. However, the WHO itself, through the document “Preparedness, prevention and control of coronavirus disease (COVID-19) for refugees and migrants in non-camp settings”<sup>14</sup> of April 17, 2020, recognizes the need to guarantee international laws, which includes the maintenance of the possibility of requesting refuge, even in the context of the Covid-19 pandemic:

#### **Points of entry screening and quarantine safeguards**

14. COVID-19 screening at points of entry. Outbreaks of COVID-19 have spread across borders and prompted demands for travel restrictions. Safeguards should be in place to ensure non-discrimination, non-stigmatization, as well as respect for the privacy and dignity of all populations including refugees and migrants with regard to screening at borders. International laws exist for asylum-seekers and refugees in terms of access to territory.

## **THE FOUR DIMENSIONS OF IMPACTS OF THE PANDEMIC ON MIGRANT CHILDREN AND ADOLESCENTS**

**Poverty.** Migrant families and children and adolescents, especially when undocumented, are less likely to be included in economic recovery initiatives, which mainly target the formal and national sectors, as was the case with the emergency aid.<sup>15</sup>

**Survival and health.** Access to public health services for children and adolescents in situations of migration and their families can be limited and, in some cases, deliberately avoided, especially if they are undocumented. In this case, there is also a fear founded or based on the lack of information that they will not be met and even that they will be reported to the migratory authorities and deported from the country. Children and adolescents in the situation of migration experience additional psychological harm, such as exacerbation of pre-existing psychological traumas, marginalization, and stigmatization by host groups.<sup>16</sup>

**Education.** Children and adolescents in situations of migration encounter several difficulties in schooling, including enrolment issues (particularly for undocumented, asylum seekers, and refugees), language barriers, and so on. Another major obstacle that arose during the pandemic was online learning. With the suspension of face-to-face classes in most schools in the country, many children and adolescents in situations of migration had difficulty due to the lack of access to the internet, computers, and even electricity.

**Safety.** Among the risks posed by economic crises is the exposure of more children and adolescents to trafficking or sexual exploitation, as well as labour, forced or premature marriage, and pregnancy. Domestic violence has also increased. Loss of income and confinement in small places increase threats to the safety and well-being of children and adolescents, with higher incidence of maltreatment, exploitation, gender

<sup>14</sup> WORLD HEALTH ORGANIZATION. Preparedness, prevention and control of coronavirus disease (COVID-19) for refugees and migrants in non-camp settings: interim guidance. April 17, 2020b.

<sup>15</sup> YOU, Danzhen et al. Migrant and displaced children in the age of COVID-19: How the pandemic is impacting them and what we can do to help. *Migration Policy Practice*, [S.L.], V. 10, n. 33, p. 32-39, April–June 2020, p. 34. Available at: <https://publications.iom.int/books/migration-policy-practice-vol-x-number-2-april-june-2020>. Accessed on: June 5th, 2021.

<sup>16</sup> *Ibidem*, p. 35-36.



violence, social exclusion and separation from parents or legal guardians. The pandemic also has a negative impact on children and adolescents who become orphans as a result of the high number of deaths caused by the COVID-19 virus in Brazil and around the world. Children and adolescents from migrant and refugee families are less likely to have close relatives to turn to for help.<sup>17</sup>

## PRINCIPLES AND GUARANTEES IN DEALING WITH CHILDREN AND ADOLESCENTS

- **CHILD AND ADOLESCENT'S BEST INTEREST**<sup>18</sup>

The best interests of the child and adolescent are a right, a principle, and a procedural rule<sup>19</sup>, which must be the priority in all decisions that are taken regarding this population<sup>20</sup>. The principle must be followed at all times in the case of a separated or unaccompanied child or adolescent in a migratory situation.

The determination of the best interest must be based on a clear and complete assessment of the identity of the child and adolescent and their family situation, and must be carried out in a safe environment under the special protection and assistance of the State.<sup>21</sup> These considerations should be defined in the context of gender, nationality, ethnic, cultural and linguistic origin, as well as vulnerabilities and special protection needs.<sup>22</sup>

In this sense, in order for this initial evaluation process to take place securely, the supervision and representation of competent professionals trained in interview techniques that take age and gender into consideration is required to ensure children and adolescents' access to the territory.<sup>23</sup>

In Brazil, the principle of the best interests of children and adolescents is provided for in the sole paragraph of article 100, item IV of the Statute of Children and Adolescents:

Article 100. In the implementation of the measures, the pedagogical needs will be taken into account, those aimed at strengthening family and community ties being preferred. Sole paragraph. The principles governing the implementation of the measures are also: [...] IV – best interests of the child and adolescent: the intervention must primarily take into account the interests and rights of the child and adolescent, without prejudice to the consideration that is due to other legitimate interests within the scope of the plurality of interests present in the specific case.

- **NON-DISCRIMINATION**

All separated or unaccompanied children and adolescents who migrate from one country to another have the right to the same treatment and rights as national children and adolescents from the country in which the migrant children are not nationals.<sup>24</sup>

They should be treated as children and adolescents in the first place, regardless of whether their migratory condition is regular or not. All considerations related to their immigration status must be secondary, and the State is obliged to respect their rights under its jurisdiction without distinction of nationality, language,

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<sup>17</sup> Ibidem, p. 37.

<sup>18</sup> Also referred to as "Best Interest of the Child"

<sup>19</sup> UNITED NATIONS. Committee on The Rights of the Child. General Comment no. 14: on the right of the child to have his or her best interests taken as a primary consideration (article 3, paragraph 1). Geneva, 2013, p. 4. Available at: <https://digitallibrary.un.org/record/778523>. Accessed on: June 14, 2021.

<sup>20</sup> UN, 1989, article 3, paragraph 1). According to article 3, paragraph 1 of the CRC: "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."

<sup>21</sup> UN, 1989, article 20, paragraph 1. According to article 20, paragraph 1 of the CRC: "A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State."

<sup>22</sup> UNITED NATIONS, 2005, p. 9.

<sup>23</sup> UNITED NATIONS, 2005, p. 9.

<sup>24</sup> UNIVERSITY OF STRATHCLYDE. CENTRE FOR EXCELLENCE FOR CHILDREN'S CARE AND PROTECTION (CELCIS), op. cit.

race, ethnicity or any other condition of the child.<sup>25</sup>

Brazil incorporates the principle of non-discrimination in Articles 3, sole paragraph and 5 of the Statute of Children and Adolescents:

Article 3. The child and the adolescent enjoy all the fundamental rights inherent to the human person, without prejudice to the full protection provided by this Law, ensuring, by law or by other means, all the opportunities and facilities, in order to authorize the physical, mental, moral, spiritual and social development, in conditions of freedom and dignity. Sole paragraph. The rights set forth in this Law apply to all children, without discrimination of birth, family situation, age, sex, race, ethnicity or colour, religion or belief, disability, personal condition of development and learning, economic condition, social environment, region, and place of residence or other condition that differentiates people, families, or the community in which they live.

Article 5. No child or adolescent shall be subjected to any form of negligence, discrimination, exploitation, violence, cruelty, and oppression; any attack, by action or omission, on their fundamental rights being punishable according to the law.

- **RIGHT TO LIFE, SURVIVAL, AND DEVELOPMENT**

All children and adolescents have the right to life, survival, and development.<sup>26</sup>

This principle is incorporated in the Statute of Children and Adolescents, especially in its seventh article:

Article 7 Children and adolescents have the right to protection of life and health, through the implementation of public social policies that allow the birth and healthy and harmonious development, in conditions worthy of existence.

- **RIGHT TO BE HEARD**

The opinions and desires of separated or unaccompanied children and adolescents must be acknowledged and respected in life decisions, considering their age and maturity, regardless of whether they are in their nation of origin or not. The child or adolescent must have the opportunity to be heard, directly or through their legal representative, in all judicial or administrative proceedings that affect them.<sup>27</sup> For this, it is crucial that they receive all relevant information about, for example, their rights, available services, including media, the asylum process, the location of family members and the situation in their country of origin.<sup>28</sup>

The Statute of Children and Adolescents establishes this principle in article 28, paragraph 1:

Article 28, paragraph 1. Whenever possible, the child or adolescent will be previously heard by an interprofessional team, respecting their stage of development and degree of understanding about the implications of the measure, and will have their opinion duly considered.

## PRINCIPLES OF “NECESSITY” AND “ADEQUACY OR SUITABILITY”

The Convention on the Rights of the Child (CRC) aims to protect children and adolescents<sup>29</sup> who cannot live with their parents or remain in a stable family environment. However, the CRC does not describe in detail

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<sup>25</sup> UN, 1989, article 2, paragraph 1. According to article 2, paragraph 1 of the CRC: “States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”

<sup>26</sup> UN, 1989, article 6. According to Article 6 of the CRC: “1. States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.”

<sup>27</sup> UN, 1989, article 12. According to Article 12 of the CRC: “1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.”

<sup>28</sup> UNITED NATIONS, 2005, p. 10.

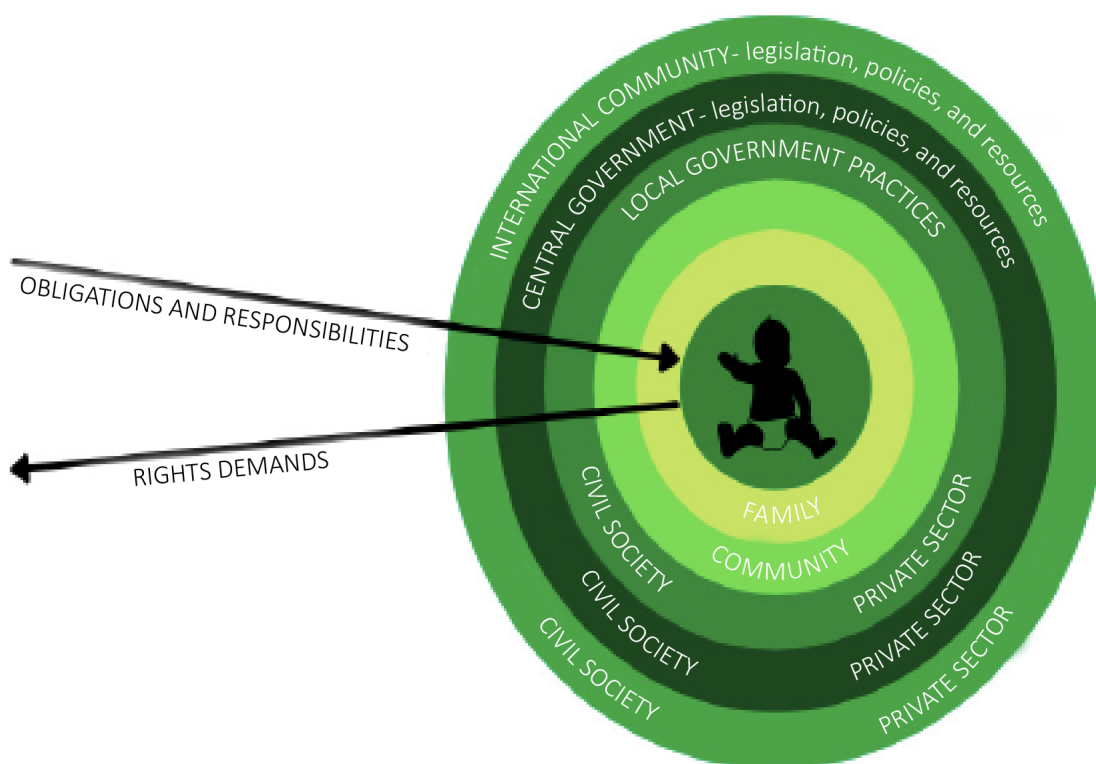
<sup>29</sup> The definition established by the Convention on the Rights of the Child (CRC), enacted by the United Nations General Assembly in 1989, considers a child to be anyone under the age of eighteen (article 1).

what action should be taken. The Guidelines for the Alternative Care of Children is a non-binding document that aims to help and encourage governments to optimize the implementation of the CRC and guide policies, decisions and activities at all levels in both the public and private sectors.

Regarding the Guidelines for the Alternative Care of Children, there are two fundamental principles in the document. The first is the “principle of necessity”, which involves two actions. First, acting on this principle involves the prevention of situations and conditions that may lead to the demand or prediction of alternative care. Some examples of issues to be addressed are: from material poverty, stigmatization, and discrimination to awareness about reproductive health, parental education and other family support measures, such as daycare centres. The second action based on the “principle of necessity” concerns the establishment of a robust “control” mechanism capable of ensuring that children are admitted to the alternative care system only when all possible means of keeping them with their parents or relatives have been analysed and concluded to be inconsistent with the child’s best interests.<sup>30</sup>

The second principle is the “Principle of Adequacy or Suitability”. This principle indicates that once the need for alternative care has been determined, the most appropriate form of this type of care to meet the needs, circumstances, and wishes of the child should be provided.<sup>31</sup> This means that all care locations must meet minimum standards in terms of, for example, conditions and qualified professionals, financing, protection and access to basic services (mainly education and health). It also stipulates that among the different alternative modes of care, priority should be clearly given to family and community-based solutions.<sup>32</sup>

## THE STATUTE OF CHILDREN AND ADOLESCENTS IN THE PROTECTION OF RIGHTS



Source: adapted from IDHC. *Derechos Humanos y Desarrollo*.<sup>33</sup>

<sup>30</sup> Ibidem, p. 22.

<sup>31</sup> UNIVERSITY OF STRATHCLYDE. CENTRE FOR EXCELLENCE FOR CHILDREN’S CARE AND PROTECTION (CELCIS), op. cit.

<sup>32</sup> CANTWELL et al., op. cit., p. 22.

<sup>33</sup> INSTITUT DE DRETS HUMANS DE CATALUNYA (IDHC). *Derechos Humanos y Desarrollo: El Enfoque Basado en Derechos Humanos*

The Statute of Children and Adolescents understands that children and adolescents are entitled to rights (article 15), under development (article 6) and, therefore, the right to demand full protection must be ensured (article 1) of the family, the community, society in general and the government (article 4). For each of these three figures, the Statute of Children and Adolescents imposes obligations and responsibilities: the family must raise and educate, society should care for children and adolescents, and the State has the duty to create and implement public policies that ensure access to rights guaranteed by law.<sup>34</sup>

In the event that the State, society and family fail to fulfil their duties, the Statute of Children and Adolescents establishes the Child and Adolescent Rights Guarantee System (CARGS), which has the specific purpose of promoting the enforceability of the law through integrated actions of various agencies and institutions.

According to Conanda Resolution 113 of 2006 – which regulates the SGDCA – public agencies and civil society organizations, which are part of the SGDCA, should act in a network based on three strategic axes of action: (i) defence of human rights; (ii) promotion of human rights; and (iii) control of the effectiveness of human rights.

The axis of defending the human rights of children and adolescents is characterized by guaranteeing access to justice. Specifically, through the use of public bodies and legal mechanisms to protect the human rights of children and adolescents. This axis includes the Judiciary, the Public Defenders' Office, the Public Prosecutors' Office, the Guardianship Councils, the Ombudsperson Offices, the Social Entities and Law Enforcement.

The axis of the promotion of the human rights of children and adolescents is articulated in a network through the development of the “policy of attending to the rights of children and adolescents”, provided for in article 86 of the Statute of Children and Adolescents, and is operationalized through three types of programs, services and public actions: (i) services and programs of public policies; (ii) services and programs for the execution of measures to protect human rights; and (iii) services and programs for the execution of socio-educational and similar measures.

This axis can be identified by the services in the field of social assistance, with the main action of the Reference Centres for Social Assistance (Cras) and the Specialized Reference Centres for Social Assistance (Creas); in the field of healthcare, through the Unified Health System (SUS); in the education field, composed of Basic Education (Child, Elementary and Secondary Education) and Higher Education.

The control axis of public actions for the promotion and defence of the human rights of children and adolescents is done through collective discussion in public collegiate instances, in which the parity of participation of governmental bodies and social entities must be ensured. The following stand out: (i) councils for the rights of children and adolescents: State Council of the Rights of Children and Adolescents and Municipal Council of the Rights of Children and Adolescents; (ii) sectoral councils for the formulation and control of public policies: Municipal Health Council, Municipal Social Assistance Council, Municipal Youth Council, Municipal Education Council, etc.; and (iii) the bodies and powers of internal and external control, as defined in articles 70, 71, 72, 73, 74 and 75 of the Federal Constitution. Furthermore, social control is also exercised by civil society and international organizations. In addition, social control is also carried out by civil society and international organizations.

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en la Cooperación al Desarrollo- EBDH. Barcelona: IDHC, 2014, p. 29.

<sup>34</sup> MINISTÉRIO DOS DIREITOS HUMANOS. Criança e Adolescente: módulo básico para conselhos tutelares e conselhos dos direitos da criança e do adolescente. Brasília: Ministério dos Direitos Humanos, 2018, p. 19.

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